



UNITED STATES MARINE CORPS
MARINE CORPS BASE
QUANTICO, VIRGINIA 22134-5001

MCBO 1752.1A
B 051
22 MAY 2002

MARINE CORPS BASE ORDER 1752.1A

From: Commanding General
To: Distribution List

Subj: FAMILY MEMBER MISCONDUCT

Ref: (a) MCBO 5800.1
(b) MCO P11000.22
(c) MCO P5512.11B
(d) MCBO 5800.5

Encl: (1) Sample Format of Juvenile Restriction Agreement
(2) Sample Format of Hearing Rights Advisement Form
(3) Sample Format of Gratuitous Community Service Agreement
(4) Sample Format of Indemnification and Release of
Liability Statement
(5) Sample Format of Community Service Project Log

1. Purpose. To establish procedures for handling of family member misconduct aboard MCB, Quantico.
2. Cancellation. MCBO 1752.1.
3. Summary of Revision. This Revision contains significant changes and should be reviewed in its entirety.
4. General

a. Misconduct is detrimental to quality of life and good order and discipline aboard MCB, Quantico. As such, it must be deterred through proper discipline and rehabilitation of the offenders.

b. The quality of life and the good order and discipline of MCB, Quantico can be greatly diminished by certain actions or omissions of the families residing on or visiting the Base. The Marines, Sailors, and their families residing here deserve a strong, cohesive, and attractive environment in which to raise their families. Because of their association with the military community, military family members, of both active duty and retirees, involved in misconduct are often amenable to correction without resorting to civil judicial process. This Order establishes appropriate admin

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procedures alternative to judicial proceedings. Except in unusual circumstances, the policy of this Command is to refrain from taking action against any Marine, Sailor, or family member until there has been a fair hearing. This Order in no way limits the authority of the CG to take appropriate action without affording a hearing. Nor does it preclude referral of a case to civilian authorities for judicial proceedings.

c. Civilians who are involved in misconduct, who are not family members of active duty or retired military members, and who do not reside in government quarters, have no special relationship to the military community. Accordingly, such cases shall be referred to appropriate civil officials.

d. This Order is for the internal management of MCB, Quantico and does not create any right or benefit, substantive or procedural, enforceable by any party against the U.S., its agencies or instrumentalities, its officers or employees, or any person. This policy is promulgated primarily for the purpose of assuring efficient allocation of governmental resources.

5. Definitions

a. Juvenile. Any person not on active duty who is younger than 18 years of age.

b. Family Member. Any person related to an active duty or retired military member who has a valid Military ID Card.

c. Misconduct. An act, which violates Federal law, military directives, and/or laws of the Commonwealth of Virginia, and is not punishable by death or life imprisonment. Specifically excluded from this definition are minor traffic offenses and infractions of regulations pertaining to the Quantico Dependents' School System.

6. Disposition of Cases Involving Misconduct

a. Traffic Offenses. All minor traffic violations will be handled per reference (a).

b. School Misbehavior. Except in extraordinary cases warranting specific Command attention, school-related infractions (e.g., incidents occurring on school grounds, during school hours, or school related functions) will be handled by parents, teachers, and principals.

c. Misconduct

(1) Incidents of vandalism, disorderly conduct, shoplifting, or other significant acts of misbehavior will be immediately reported to the CO SctyBn, via the MP Desk Sergeant. As much detail as possible should be provided to facilitate the investigation of the incident.

(2) Reports of misconduct aboard MCB, Quantico are submitted to the Command Inspector and forwarded to the CG for disposition. The Command Inspector will review the report for a determination of appropriate action. The Command Inspector may take one or several of the following actions:

(a) Dismiss the matter.

(b) If the incident involves juveniles, refer the matter to the parent(s)/guardian(s).

(c) Impose admin sanctions per paragraph 7 below if the offender is a family member of an active duty or retired military member, or resides in government quarters.

(d) Refer the matter to the Special Assistant to the U.S. Attorney (SAUSA) via the SJA for prosecutorial action.

(e) Refer the matter to civil authorities.

(f) Refer the matter to the CG.

7. Admin Sanctions

a. The CG via the Command Inspector may impose admin sanctions, including, but not limited to those below. Frequently, these sanctions will be in lieu of referring the case to the appropriate civilian authorities, although they may be imposed in addition thereto. (The failure of a family member/sponsor to appear at an admin hearing does not preclude the CG from imposing admin sanctions, referring the case to civil authorities, or both).

(1) Letter of Reprimand.

(2) Claim on Behalf of the Government. If the misconduct involves damage to government property, the Command Inspector may request voluntary repayment to the government for damages. If

payment is not made voluntarily, the Command Inspector will refer the matter to the SJA who may initiate a claim on behalf of the government for payment of damages.

(3) Suspension of Privileges. Per reference (c), the CG MCB, Quantico may suspend ID card privileges for family members who are involved in shoplifting. A first-time shoplifting offense will result in the suspension of ID card privileges for a minimum of 6 months. Repeat offenders will be dealt with on a case-by-case basis, but will receive at least a 6-month suspension of privileges. These privileges include, but are not limited to, access to the Commissary and/or Marine Corps Exchange; attendance at various Marine Corps Community Services events and athletic contests; use of recreational facilities; participation in youth activities; use of Command bus transportation; access to club facilities; and commercial enterprise privileges.

(4) Restriction to Quarters

(a) This restriction refers primarily to juveniles and may not exceed 90 days.

(b) Under such restriction, a juvenile family member would be permitted to be absent from quarters only to attend religious services, to be treated at the Quantico Naval Medical Clinic (NMCL) or other medical or dental facilities, and to attend school.

(c) Entry to the Marine Corps Exchange or Commissary is expressly prohibited, even if a parent or guardian accompanies the juvenile.

(d) When proceeding to and from religious services or the NMCL or other medical or dental facilities, the juvenile must be accompanied by an adult.

(e) When leaving for and returning from school, the juvenile must proceed directly.

(f) Participation in school sponsored extracurricular activities or events may be prohibited.

(g) Any agreement involving restriction of the juvenile must be reduced to writing and signed by the juvenile and the juvenile's parent(s)/guardian(s).

(h) Compliance with the terms of the restriction(s) is primarily the responsibility of the parent(s)/guardian(s) per enclosure (1).

(5) Community Service Program

(a) This sanction is designed primarily to assist in the rehabilitation of juveniles. Ideally, the community service required of the juvenile under this Program should be related to the juvenile's misconduct, and be designed to provide constructive assistance to the MCB, Quantico community rather than to punish the juvenile.

(b) Community service should not exceed 40 hours, to be performed over a period not to exceed 2 months. All work performed under this Program will be supervised by the juvenile's parent/guardian.

(c) The Misconduct Hearing Officer will ensure that enclosures (3) and (4) are signed prior to conclusion of the admin hearing in cases where community service is indicated.

(d) The Command Inspector's Office will deliver enclosure (5) to the appropriate organization for tracking purposes.

(e) All community service work will be assigned to be performed on weekends and will be supervised by the sponsor. **The sponsor must be present at all times during the course of community service work by the family member.**

(6) Essay. This sanction is designed primarily for juveniles. It allows an opportunity for the offender to reflect upon their misconduct and explore possible alternatives to involvement in future misconduct.

(7) Probation for 1 Year or Less. This suspension of the imposition of sanctions is to impress upon the family member the seriousness of his/her misconduct.

(8) Involuntary Dispossession of Government Quarters. If a family member continues to be involved in misconduct, or for serious first-time offenses, procedures may be initiated pursuant to reference (b), to involuntarily dispossess the occupants from government quarters.

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(9) Debarment from MCB, Quantico. Per reference (d), this sanction is issued to personnel whose presence aboard this Base is prejudicial to the good order and discipline of the Command.

b. Before imposing any or all of the admin sanctions enumerated per paragraph 7a above, the Command Inspector will afford the family member an opportunity for a personal hearing with the Decision Advisory Panel. This hearing is designed to inform the family member of their rights and to give them an opportunity to be heard. Parent(s)/guardian(s) must accompany juvenile during this hearing. The Decision Advisory Panel membership includes Staff Judge Advocate, Command Inspector, Commanding Officer Security Battalion, and Sergeant Major when the hearing involves an enlisted family.

8. Misconduct Hearing Procedures. The hearing will be conducted by a designated hearing officer assigned to the Command Inspector's Office. One purpose of the hearing is to allow the family member/sponsor the opportunity to be heard and to present to the hearing officer any information or material that they believe is relevant. The hearing is not a judicial proceeding, but rather, is admin in nature; therefore, there is no right to have counsel present at the hearing.

a. Notice. The family member/sponsor will be notified in writing of the basis for the hearing; the voluntary nature of appearing at the hearing; the effect of choosing not to appear; and the number to contact to schedule the date, time, and place of the hearing. In appropriate cases, it should be emphasized that voluntary participation in the hearing may result in admin action rather than referral to civil authorities.

b. Hearing. The atmosphere of the hearing shall be conducted in a fair and orderly manner ensuring that the dignity and decorum of the proceedings reflect their serious nature. Due regard will be given to the age of the juvenile concerned (if appropriate), and rehabilitation rather than punishment will be emphasized.

(1) At the outset of the hearing, enclosure (2) should be used to advise the family member/sponsor of the admin nature of the hearing, the necessity for voluntary participation, and the maximum sanctions that can be imposed.

(2) After ascertaining that the hearing participants understand the nature of the proceedings, the family member/sponsor shall be informed of the following rights:

(a) To be present before the officer conducting the hearing.

(b) To be advised of the suspected offense(s).

(c) To be present during the presentation of all information (unless disruptive) and to inspect all written statements being considered by the hearing officer.

(d) To make a statement or to remain silent concerning the suspected offense(s).

(e) To appeal the outcome of the hearing, in writing, within 7 days.

(3) Once the family member/sponsor acknowledge their understanding of these rights, the hearing will proceed in a manner appropriate for the circumstances. Within 5 days of this hearing, the Command Inspector's Office will notify the family member/sponsor in writing, via the sponsor's chain of command, of a decision. If sanctions are imposed, the family member/sponsor will also be warned of the consequences of violating the terms of those sanctions.

C. Upon completion of the hearing, if it is determined that the family member's conduct warrants corrective action of greater severity than the Command Inspector is empowered to impose, this fact will be reported to the CG. The report shall identify the family member involved and contain a detailed account of the facts surrounding the offense(s) including any matters presented by the family member/sponsor during the hearing. It will also indicate any prior misconduct by the family member, and the extent to which the family member has complied with previous admin action. The CG may forward the case to the Decision Advisory Panel for consideration of debarment or return to Command Inspector for disposition.

9. Appeal. The sponsor may appeal the imposition of admin sanctions to the Command Inspector, MCB (B 051) in writing, within 7 days of receiving notice of the admin action. No admin sanction will become effective while an appeal is pending. The requestor will be notified in writing of the action taken on the appeal within 14 days of receiving the appeal.

10. Violation of Admin Sanctions. Willfully violating an admin sanction may result in serious consequences. Upon discovery of the disregard of the terms of an admin sanction, the Command Inspector may impose additional sanctions or report the matter to the CG for further action. If the family member's violation of the imposed

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sanctions is severe enough to indicate an unwillingness to cooperate in rehabilitation, the Command Inspector may also refer the case to the SJA for referral to the appropriate civilian authorities for judicial action.

11. Good Behavior. Upon written request, the Command Inspector may, at any time, remit or suspend any or all sanctions. Individuals should be aware that such requests will be granted only for compelling reasons. Strong evidence of rehabilitation, such as receipt of a personal award, exemplary performance in a community service program, or long and continuing good behavior, is usually the only basis for remitting or suspending admin sanctions.

12. Records. All records and materials relating to incidents involving misconduct will be maintained by the Command Inspector, kept separately from general files, and be destroyed 2 years after the last incident recorded therein or until the sponsor leaves MCB, Quantico. The Command Inspector will provide pertinent information, to include information regarding the status of restriction, if any, to the CO SctyBn.



D. L. WRIGHT
Chief of Staff

DISTRIBUTION: INTERNET

SAMPLE FORMAT OF JUVENILE RESTRICTION AGREEMENT

To: (Juvenile's Name) Age: ()
Family member of (Sponsor's name),
(Quarters #), MCB, Quantico, VA 22134

1. You have been found to have been involved in (state offense) for which you are hereby placed on restriction to Quarters # (xxxx) for (specific amount of time). You are required to comply with the following conditions of restriction:

a. You may only be absent from quarters to attend religious services, to be treated at the Naval Medical Clinic (NMCL), Quantico, or other medical or dental facilities, and to attend school.

b. You must be accompanied by an adult when proceeding to and from religious services or the NMCL or other medical or dental facilities.

c. You must proceed directly to and from school.

d. You may be prohibited from participating in school sponsored extracurricular activities or events. If participation is desired, prior approval must be obtained from the Command Inspector.

e. Entry to the Marine Corps Exchange or Commissary is expressly prohibited, even if accompanied by a parent or guardian.

2. By your signature, you certify that you understand the terms of this agreement, and that a request for deviation from the above items or restriction must be made to the Command Inspector.

3. The acceptance of restriction is strictly voluntary admin action. If you fail to accept restriction or to abide by the terms of this agreement, you will be subject to more severe admin sanctions.

(Juvenile)

(Assistant Inspector)

Witnessed by:

(Parent/Guardian)

(Date)

ENCLOSURE (1)

SAMPLE FORMAT OF HEARING RIGHTS ADVISEMENT FORM

I _____, parent/guardian of _____,
am aware of the following as it pertains to a Misconduct Hearing
conducted on _____ at _____.

_____ That the hearing is admin in nature; not judicial.

_____ That the Misconduct Hearing Officer is acting on behalf of
the CG MCB, Quantico.

_____ That my family member is entitled to the following rights:

_____ To be present before the officer conducting the hearing.

_____ To be advised of the suspected offense(s).

_____ To be present during the presentation of all information
and inspect all written statements being considered by the
hearing officer.

_____ To make a statement or to remain silent concerning
the suspected offense(s).

_____ To have the juvenile's parent(s)/guardian(s) appeal
the outcome of the hearing, in writing, within 7 days.

_____ That the Hearing Officer may take one or more of the
following actions:

_____ Dismiss the matter.

_____ Refer the matter to the juvenile's parent/
guardian.

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SAMPLE FORMAT OF HEARING RIGHTS ADVISEMENT FORM

_____ Impose admin sanctions, that include, but
are not limited to:

_____ Letter of Reprimand.

_____ Claim on Behalf of the Government.

_____ Written Essay.

_____ Suspension of Privileges.

_____ Restriction to Quarters.

_____ Probation.

_____ Involuntary Dispossession of Quarters.

_____ Debarment from MCB, Quantico.

_____ Recommend that the SJA refer the matter to the
appropriate civilian authorities.

_____ Refer the matter to the CG.

SAMPLE FORMAT OF GRATUITOUS COMMUNITY SERVICE AGREEMENT

GRATUITOUS COMMUNITY SERVICE AGREEMENT BETWEEN
MCB, QUANTICO, VA AND

(PERSON PROVIDING GRATUITOUS COMMUNITY SERVICE) and

(PARENT/GUARDIAN)

STATEMENT OF UNDERSTANDING: This is a service agreement made for the purposes of providing gratuitous community service to MCB, Quantico.

The following conditions apply:

1. The gratuitous community service on the part of Juvenile is completely voluntary and he/she is under no compulsion or requirement to perform such service.
2. Gratuitous community service is entirely without paid compensation or reimbursement.
3. Persons who provide gratuitous community service are not considered federal employees for purposes of either the claims provisions (Federal Tort **Claims** Act, Title 28, U.S. Code, 2671 et seq) or worker's compensation laws (Worker's Compensation Act, Title 5, U.S. Code, 8101 et seq) of the U.S., or for any other purpose.
4. Gratuitous community service may be terminated at any time at the discretion of the Command Inspector, MCB, Quantico.
5. I, _____, hereby offer my gratuitous services to assist in _____.
6. I understand that MCB, Quantico will provide materials, but that any expense that I incur will not be reimbursed by the Federal Government. I also understand that I am not covered under either provisions of the (Federal Tort Claims Act, Title 28, U.S. Code, 2671 et seq) or (Worker's Compensation Act, Title 5, U.S. Code, 8101 et seq).

(Juvenile)

(MCB Representative)

(Parent/Guardian)

(Date)

ENCLOSURE (3)

SAMPLE FORMAT OF INDEMNIFICATION
AND
RELEASE OF LIABILITY STATEMENT

_____(Parent/Guardian)_____ and _____Juvenile_____, in consideration for the opportunity for _____Juvenile_____, to perform gratuitous community services for MCB, Quantico, in lieu of other possible admin sanctions being imposed against him/her military sponsor and/or family members, hereby agree to indemnify, release, defend, and hold harmless the U.S. Government, all of its agencies, instrumentalities, officers, appointees, elected officials, employees, and agents, including but not limited to the USMC and all of its personnel, from and against any and all injuries, deaths, damages, claims, liabilities, losses, economic injury, costs, fees (including attorney fees), and expenses arising out of or claimed on account of or in relation to the gratuitous community service, whether caused by negligence or otherwise. I acknowledge: that I agree to allow my child, _____Juvenile_____, to voluntarily perform gratuitous community service; that performing gratuitous community service is completely by voluntary choice; and that neither my child, _____Juvenile_____, nor I, are under compulsion to perform such service, my child and I will receive no compensation or other benefit from the U.S. Government except the avoidance of other possible outcomes of the Juvenile Court proceedings against my child.

(Parent/Guardian)

(Date)

(Witness)

(Date)

(Witness)

(Date)

SAMPLE FORMAT OF COMMUNITY SERVICE PROJECT LOG

Juvenile Name: _____

Sponsor Name/Grade/Unit: _____

Total Hours Assigned: _____ Date From: _____ To: _____

Location: _____

Date	Check-In Time	Checkout Time	Location of Project	PMO Remarks	Command Inspector Evaluation*

- *1. Unsatisfactory
- 2. Incomplete
- 3. Satisfactory
- 4. Outstanding

ENCLOSURE (5)